

**REMARKS**

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 3, 10, 16, 20, and 23 have been amended. No claims have been canceled without prejudice. No claims have been added. Thus, claims 1-28 are pending.

**Double Patenting**

The Office Action provisionally rejects claim 1 for alleged nonstatutory obviousness-type double patenting, based on copending Application 10/749,616 and on copending Application 10/813,999. Without acquiescing to any determination of double patenting asserted in the Office Action, Applicants note the provisional status of the rejection(s) and defer an analysis of the substantive basis for such rejection(s) until a later time when the rejections are maintained non-provisionally.

**35 U.S.C. §101 Rejections**

The Office Action rejects claims 1-9 and 16-19 under 35 U.S.C. §101 as being directed toward non-statutory matter. More particularly, the Office Action alleges that that each of the above claims lacks hardware support to execute allegedly mere software functionality. Furthermore, the Office Action alleges that the above claims fail to yield a useful, tangible, concrete result. Applicants traverse the above rejection for at least the following reasons.

In order to advance the application to allowance, and without agreeing as to any alleged basis for the above rejection, Applicants amend independent claims 1 and 16 to variously recite (1) a configuration file storing a message format, and (2) providing an indication the message format to at least one of a tracing module and a logging module determining the message format for formatting a message to be sent from the at least one of the tracing module and the logging module.

Applicants respectfully submit that each of currently amended independent claims 1 and 16 is directed to statutory subject matter at least insofar as they each recite a stored message format in a configuration file which provides hardware support for useful,

tangible and concrete results of, for example, providing an indication of the message format, determining the message format and formatting a message according to the determined message format. Therefore, Applicants respectfully request that the 35 U.S.C. §101 rejection of claims 1-9 and 16-19 be withdrawn.

### **35 U.S.C. §103(a) Rejections**

#### **35 U.S.C. §103(a) Rejection over *Hart* in view of APA**

The Office Action rejects claims 1-28 under 35 U.S.C. §103(a) as being obvious in light of James Hart, “Early Adopter: J2SE 1.4”, Chapter 5, September 2001, Wrox Press, pp. 1-12 (hereinafter “*Hart*”) in view of allegedly admitted prior art of Applicants’ specification pg. 4, paragraphs [0008]-[0009] (hereinafter “alleged APA”). To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by one or more prior art references. *See* M.P.E.P. § 2143.03. For at least the following reasons, Applicants traverse the above rejection.

Applicants respectfully submit that each of the above rejected claims is not obvious in light of *Hart* and the alleged APA, based at least on the failure of the references to teach or suggest (emphasis added):

“....a **tracing module** associated with specified program code regions of an application, the tracing module to **receive via an application programming interface (API)** and process tracing method calls...; a **logging module** associated with specified categories related to the network, the logging module to **receive via the API** and process logging method calls...; a **formatter** including a configuration file storing a format, the formatter to provide an indication of the format to the tracing module or the logging module **via the API**,...”

as variously recited in current independent claims 1, 10, 16, 20, and 23. The amendments are supported in the original disclosure at least by FIG. 2 and by paragraph [00013] of the specification.

In rejecting the above claims, the Office Action relies on the alleged APA as allegedly admitting to previous tracing modules. However, although the alleged APA does discuss developers’ use of trace tools to trace the execution of program code, nowhere does the alleged APA admit to any previous disclosure of the currently claimed API (1) by which a tracing module receives tracing method calls, (2) by which a logging

module receives logging method calls, and (3) by which a formatter provides to the tracing module or the logging module an indication of a format of a message to be sent from the tracing module receives or the logging module receive.

Applicants respectfully submit that no combination of *Hart* and the alleged APA teaches or suggests a common application programming interface of a tracing module and a logging module, whereby the tracing module and the logging module are accessed – as variously recited in each of currently amended independent claims 1, 10, 16, 20, and 23. Accordingly, each of independent claims 1, 10, 16, 20, and 23 is non-obvious in light of *Hart* and *APA*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claims depending therefrom are also non-obvious. *See M.P.E.P. §2143.03*. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 1-28 based on *Hart* and the alleged APA be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-28 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: May 21, 2008

/Dermot G. Miller/  
Dermot G. Miller  
Attorney for Applicants  
Reg. No. 58,309

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(503) 439-8778